
By: **Howard County Delegation**

Introduced and read first time: March 1, 2004

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County Board of Education - Election to Fill Vacancy**
3 **Ho. Co. 12-04**

4 FOR the purpose of altering the procedure for filling vacancies on the Howard County
5 Board of Education; authorizing the County Executive of Howard County to fill
6 a vacancy for a limited period under certain circumstances; requiring vacancies
7 that occur before a certain time to be filled at a general election; specifying how
8 to determine which candidates are elected to which offices on the County Board
9 under certain circumstances; establishing the term for the candidate receiving
10 the vacated position; and generally relating to the filling of vacancies on the
11 Howard County Board of Education.

12 BY repealing and reenacting, with amendments,
13 Article - Education
14 Section 3-701
15 Annotated Code of Maryland
16 (2001 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Education**

20 3-701.

21 (a) The Howard County Board consists of five members.

22 (b) A candidate elected to the County Board shall be a resident and registered
23 voter of Howard County. Any member who no longer resides in Howard County may
24 not continue as a member of the Board.

25 (c) Members of the Howard County Board shall be elected:

26 (1) At the general election every 2 years as required by subsection (d) of
27 this section; and

- 1 (2) From Howard County at large.
- 2 (d) (1) (i) The terms of the members are staggered as provided in this
3 subsection.
- 4 (ii) Each term of office begins on the first Monday in December
5 after the election of a member and until a successor is elected and qualifies.
- 6 (2) (i) The term of office of the member elected at the 2002 election is
7 4 years.
- 8 (ii) The successor to this office shall serve for a term of 4 years.
- 9 (3) (i) Two members shall be elected at the 2004 election.
- 10 (ii) The successors to these offices elected at the 2008 election shall
11 serve a term of 4 years.
- 12 (4) (i) Three members shall be elected at the 2006 election.
- 13 (ii) The successors to these offices elected at the 2010 election shall
14 serve for a term of 4 years.
- 15 (5) As of the 2006 election, the term of each office is 4 years.
- 16 (6) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS
17 SUBSECTION AND SUBJECT to the confirmation of the County Council, the County
18 Executive of Howard County shall appoint a qualified individual to fill any vacancy
19 on the County Board for the remainder of that term and until a successor is appointed
20 and qualifies.
- 21 (7) IF A VACANCY OCCURS BEFORE THE DATE THAT IS 1 YEAR
22 FOLLOWING THE DATE OF THE MEMBER'S ELECTION, THE INDIVIDUAL APPOINTED
23 UNDER PARAGRAPH (6) OF THIS SUBSECTION SHALL SERVE ONLY UNTIL A
24 SUCCESSOR IS ELECTED BY THE VOTERS AT THE NEXT GENERAL ELECTION.
- 25 (8) CANDIDATES FOR THE VACATED OFFICE MAY BE NOMINATED AT A
26 PRIMARY ELECTION IN THE SAME MANNER AS FOR ANY OTHER POSITION ON THE
27 HOWARD COUNTY BOARD.
- 28 (9) WHEN MORE THAN TWO MEMBERS OF THE COUNTY BOARD ARE TO
29 BE ELECTED AT AN ELECTION AND THE TERMS OF THE OFFICES TO BE FILLED AT
30 THE ELECTION VARY, THE ELECTED CANDIDATES RECEIVING THE GREATER
31 NUMBER OF VOTES SHALL FILL THE OFFICES WITH THE LONGER TERMS.
- 32 (10) THE CANDIDATE RECEIVING THE VACATED POSITION SHALL TAKE
33 OFFICE ON THE FIRST MONDAY IN DECEMBER AFTER THE ELECTION AND SHALL
34 CONTINUE TO SERVE FOR THE REMAINDER OF THE VACATED TERM AND UNTIL A
35 SUCCESSOR IS ELECTED AND QUALIFIES.

1 (11) EXCEPT AS PROVIDED IN THIS SUBSECTION, AN ELECTION TO FILL A
2 VACANCY ON THE HOWARD COUNTY BOARD OF EDUCATION SHALL BE GOVERNED BY
3 §§ 8-801 THROUGH 8-806 OF THE ELECTION LAW ARTICLE.

4 (e) (1) The State Board may remove a member of the County Board for:

- 5 (i) Immorality;
- 6 (ii) Misconduct in office;
- 7 (iii) Incompetency; or
- 8 (iv) Willful neglect of duty.

9 (2) Before removing a member, the State Board shall send the member a
10 copy of the charges against the member and give the member an opportunity within
11 10 days to request a hearing.

12 (3) If the member requests a hearing within the 10-day period:

- 13 (i) The State Board promptly shall hold a hearing, but a hearing
14 may not be set within 10 days after the State Board sends the member a notice of the
15 hearing; and
- 16 (ii) The member shall have an opportunity to be heard publicly
17 before the State Board in the member's own defense, in person or by counsel.

18 (4) A member removed under this subsection has the right to a de novo
19 review of the removal by the Circuit Court for Howard County.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.